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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2004-2005

Report of the Secretary-General

Summary

In accordance with General Assembly resolution 57/288 of 20 December 2002, the present report contains the resource requirements for the biennium 2004-2005 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2004-2005 before recosting amount to $262,283,100 gross ($234,808,500 net) and reflect a decrease in real terms of $992,500 net, compared to the revised appropriation for 2002-2003. The real resource changes reflect a proposed reorganization and initial downsizing of the staffing table as an initial step to implementing the approved completion strategy.

In nominal terms, the estimate for the biennium 2004-2005 amounts to $329,616,100 gross ($298,687,000 net) and reflects an increase of $63,878,500 net, due in substantial part to the decline in the strength of the United States dollar vis-à-vis the euro, which represents the primary currency in which the Tribunal's activities are implemented.

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Contents

		Paragraphs	Page
I.	**Introduction**	1–20	3
II.	Programme of work and resource requirements	21–47	9
	A. Chambers	21–29	9
	B. Office of the Prosecutor	30–40	11
	C. Registry	41–47	15

I. Introduction

1. The terms of reference of the International Criminal Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993) of 22 February 1993. The statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993) of 25 May 1993, provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and a Registry. The activities for which the Tribunal is responsible also appear in the statute.

2. The Security Council, through its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. From 2000 onwards, with the adoption of Council resolution 1329 (2000), the Tribunal has undertaken several initiatives to speed up proceedings, such as the creation of a pool of ad litem judges, the appointment of two additional judges to the Appeals Chamber and the amendments to the Rules of Procedure and Evidence of the Tribunal, in order to allow the judges to play a more active role in court proceedings. At an extraordinary plenary session of the judges of the Tribunal, held on 23 April 2002, the President presented a report on a completion strategy for the Tribunal. The judges agreed with the major directions set out therein. The report was transmitted by the Secretary-General to the Security Council on 17 June 2002 (see S/2002/678).

4. In a statement made on 23 July 2002, by the President of the Security Council, on behalf of the Council, the report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts was endorsed (PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2008 for the completion of first instance trials and 31 December 2010 for the completion of appeals.

5. The report comprises two main pillars, namely, (a) the fair and expeditious completion of trials at the Tribunal in accordance with the time line set for the completion strategy and (b) the transfer of cases against accused persons detained under the authority of the Tribunal to national courts of Bosnia and Herzegovina.

6. In support of the first pillar, the Tribunal will continue to undertake six concurrent trials through the use of 16 permanent and 9 ad litem judges and to complete all related appeals in the most expeditious manner. The capacity of the Tribunal will continue to be fully utilized, with all work units dedicated to the principal goal of trial activity.

7. The Chambers will, through its Judicial Practices Working Group, Rules Committee and plenary sessions, investigate additional ways to reduce the length of proceedings, for example, by continued review of the Rules of Procedure and Evidence. Special emphasis will be placed on the pre-trial phase of the proceedings, as this has a significant impact upon trial proceedings. The numerous reforms undertaken over the previous two years, including the conduct of pre-trial procedures by the Chambers' senior legal officers, the additional powers conferred on judges to control proceedings and the adoption of practice directions, will continue to improve the pace of judicial activity.

8. The biennium 2004-2005 will be a watershed for the Office of the Prosecutor, which will strive to meet the goal of bringing all priority investigations to the indictment stage by the end of 2004 and, at the same time, continue to support trial activity. As investigations are completed, the Office will be reorganized. A gradual reduction in posts will be effected in 2005 within the Investigations Division, resulting in the abolition of 43 posts and the redeployment of 18 posts to other priority areas in the Tribunal. While all investigations will be brought to the indictment stage by the end of 2004, the Office of the Prosecutor will be required to maintain a core investigative capacity to continue to support trials and appeals after 2004.

9. In addition, the Tribunal will undertake a number of concrete measures aimed at reducing the length of trials and improving efficiency, such as the strengthening of the Chambers Legal Support Section, the introduction of the Judicial Database, the establishment of a Document Control Unit, as well as the consolidation of computer databases throughout the Office of the Prosecutor.

10. In support of the second pillar, the Tribunal will continue to play an active role in facilitating the referral of cases to national courts, including continuing contacts and consultations with the Office of the High Representative on the creation of a special judicial organ within the State Court of Bosnia and Herzegovina, which has jurisdiction over cases referred to it by the Tribunal, and the implementation of rule 11 bis of the Rules of Procedure and Evidence of the Tribunal, which allows for such referral. In addition, a Transition Team will be established within the Office of the Prosecutor to oversee (a) the preparation of the transfer of cases from the Tribunal to the State court in Bosnia and Herzegovina in support of the completion strategy and (b) the preparation of dossiers for all other lower-level war crime perpetrators identified during investigations, with a view to transferring those dossiers to the appropriate prosecuting authorities in the countries of the former Yugoslavia.

11. With the preparatory groundwork having been undertaken and now in the process of completion, the implementation of the completion strategy will be the main focus of the Tribunal during the biennium 2004-2005.

12. On 24 December 2001, the General Assembly adopted resolution 56/247 A, in which it decided to appropriate to the Special Account, on a provisional basis, subject to further review at its resumed fifty-sixth (March 2002) session, a total amount of $242,791,600 gross ($218,216,300 net) for the biennium 2002-2003. By the same resolution, the Assembly also decided that the staffing table for the Tribunal should remain at levels approved for 2001 until further review at its March 2002 session.

13. On 27 March 2002, the General Assembly adopted resolution 56/247 B, by which it approved a revised appropriation of $248,926,200 gross ($223,169,800 net) for the Tribunal for the biennium 2002-2003, which included resources for audit and investigative services at the Tribunal. The Assembly also approved a revised staffing table comprising 1,052 posts for the biennium 2002-2003, representing an increase of 84 posts vis-à-vis the 2001 staffing table.

14. On 20 December 2002, the General Assembly adopted resolution 57/288, in which it decided that the revised appropriation approved in resolution 56/247 B for the biennium 2002-2003 would be increased to $262,653,700 gross ($235,955,000

net) in order to cover the additional requirements for an additional trial team in the Office of the Prosecutor (six new posts) as well as adjustments in the recosting of the appropriation. The current number of authorized posts is 1,058.

15. In resolution 57/288, the Assembly requested, inter alia, that the budget requirements for the Registry, the Office of the Prosecutor and the non-judicial administrative functions of the Chambers be presented in a results-based format linking inputs to objectives, expected accomplishments and indicators of achievement. Pursuant to that resolution, the Secretary-General has prepared a results-based logical framework reflecting these, as well as performance measures, with respect to baseline and targets. External factors have also been included. The logical framework has been prepared in compliance with General Assembly resolution 55/231 of 23 December 2000, on results-based budgeting, and with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation. The definitions of a number of key terms, as set out in the Regulations and Rules Governing Programme Planning, are highlighted in table 10.

16. Prior to the preparation of the budget for the Tribunal, its staff received training on the results-based budgeting approach currently practised at the United Nations. Results-based management was emphasized as a requirement for the full implementation of the Tribunal's work, which is to be geared towards the achievement of the expected results, taking due account of the completion strategy.

17. The overall level of resources for the biennium 2004-2005 amounts to $234,808,500 net at 2002-2003 rates (i.e. before recosting to 2004-2005 rates), reflecting a real resource decrease of $992,500, or 0.4 per cent, compared to the revised appropriation for the biennium 2002-2003. The overall reduction in resource requirements is the combined effect of the following factors:

(a) Abolition of 43 posts within the Investigations Division in 2005, including 34 investigator posts (16 P-3 and 18 P-2), effective 1 July 2005, and 9 General Service (Other level) administrative posts, effective 1 January 2005, in the Skopje and Pristina field offices;

(b) Reclassification from the P-4 to the P-5 level of the post of Chef de Cabinet in the Office of the President. The incumbent performs the essential role of managing the President's Office, providing substantive legal and political advice to the President and the Bureau, acting as the focal point with respect to the President, and representing the President in various capacities;

(c) The Chambers is composed of three trial chambers and one Appeals Chamber. Within each trial chamber, there are two trial sections, each conducting one trial at a time. The Chambers Legal Support Unit provides the legal and administrative support to the judges serving in each trial section. Currently, each trial chamber is headed by a senior legal officer (P-5) and the three officers are in charge of up to three trials and eight pre-trial cases at any one time. Each trial section is managed by a legal officer (P-3), who is required to perform a diverse range of tasks, including direct reporting to three judges, supervision of a team of at least four associate legal officers (P-2), responsibility for the structuring and executing of a trial work plan for the recording and analysis of evidence and drafting of judgements, maintenance of in-court support to the judges and liaising with the defence and prosecution. In view of the level of responsibility, four P-3

posts are proposed for reclassification to the P-4 level. With the inward redeployment of two P-4 posts from the Investigations Division, all six trial sections would be headed by a legal officer at the P-4 level;

(d) Financing was approved for two P-4 posts and one P-3 post for oversight functions in the Tribunal from general temporary assistance for the biennium 2002-2003. Since these posts will be required on a continuous basis for the duration of the Tribunal's mandate, they are being proposed for conversion to temporary posts. There would be a corresponding reduction in resources for general temporary assistance;

(e) Provision for the delayed impact of growth in respect of the 90 posts approved as new posts for the biennium 2002-2003;

(f) Changes in overall non-post provisions, reflecting reduced requirements, mainly under mission subsistence allowance, temporary assistance for interpretation, travel of staff, supplies and furniture and equipment, partly offset by increased requirements under contractual verbatim reporting, which had previously been funded from temporary assistance for interpretation.

18. In addition, 20 posts, 18 from the Investigations Division, along with two from the immediate Office of the Prosecutor, would be redeployed to strengthen capacity in the priority areas within the Tribunal. Details of the redeployments are set out below:

(a) Two posts (1 P-4 and 1 P-3, effective January 2004) from the Financial Tracing Unit and three posts (1 P-3 and 2 P-2, effective July 2005) from the Investigations Division to the Appeals Unit. These redeployments would considerably strengthen the Appeals Unit, which is anticipating a significant increase in the number of appeals to be heard in the biennium 2004-2005;

(b) One P-4, effective January 2004, and one P-4, effective January 2005, from the Investigations Division to the Prosecution Division, in anticipation of increased workload as a result of a large number of cases in the pre-trial phase;

(c) Three posts (2 P-2 and 1 General Service (Other level)), effective January 2005 from the Investigations Division to the Victims and Witness Section, to provide internationally accepted protection services for relocated witnesses, provide a systematic and efficient way of communicating with witnesses and reinforce the field office in Sarajevo;

(d) Two P-4 posts effective January 2005, and four P-3 posts, effective July 2005, from the Investigations Division to the Chambers Legal Support Section. This would provide support for the increased trial and appeal activity which has resulted from the appointment of ad litem judges (see also para. 17 (c));

(e) One General Service (Other level) post, effective January 2005, from the Investigations Division to the Detention Unit, to provide for a full-time language assistant fluent in Albanian to monitor telephone calls and provide interpretation services for Albanian-speaking detainees;

(f) Two P-3 posts, effective July 2005, from the Investigations Division to the Registry Advisory Section. The establishment of liaison officers in the Sarajevo and Belgrade field offices would facilitate a crucial requirement of the Tribunal's mandate of transferring war crimes cases to the State courts;

(g) One P-3 post, effective July 2005, from the Investigations Division to the Human Resources Section. A monitoring mission undertaken by the Office of Human Resources Management in November 2002 concluded that, in order for the Section to efficiently address issues beyond recruitment and staff administration in a more comprehensive and substantive manner without continuing to overtax the current Professional staff, an additional post for training, the performance appraisal system (PAS) and classification issues should be made available.

19. The recosting of the budgetary provisions to 2004-2005 rates would require a net increase in the amount of $67,333,000. The recosting consists of the impact for changes in exchange rates ($45,567,900), inflation ($12,151,700), adjustments to standard salary costs ($5,899,200) and implementation of the International Civil Service Commission recommendation on net remuneration ($3,714,200).

20. During the biennium, extrabudgetary resources are estimated at $7,252,200, reflecting a net decrease of approximately $5,302,900, to be utilized for a variety of activities of the Tribunal. The decrease results from the completion of ongoing projects for which full funding was received.

Table 1
Percentage distribution of resources by component

	Assessed budget	*Extrabudgetary*
1. Chambers	3.4	-
2. Office of the Prosecutor	30.2	23.2
3. Registry	66.4	76.8
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2000-2001 expenditure*	*2002-2003 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2004-2005 estimate*
			Amount	*Percentage*			
Expenditure							
1. Chambers	5 793.5	8 776.2	224.2	2.6	9 000.4	368.3	9 368.7
2. Office of the Prosecutor	72 427.4	81 890.7	(2 756.2)	(3.4)	79 134.5	20 801.4	99 935.9
3. Registry	131 072.0	171 986.8	2 161.4	1.3	174 148.2	46 163.3	220 311.5
Total expenditures (gross)	**209 292.9**	**262 653.7**	**(370.6)**	**(0.1)**	**262 283.1**	**67 333.0**	**329 616.1**
Income							
Income from staff assessment	23 744.0	26 698.7	591.9	2.2	27 290.6	3 454.5	30 745.1
Other income	79.9	154.0	30.0	19.5	184.0	-	184.0
Total requirements (net)	**185 469.0**	**235 801.0**	**(992.5)**	**(0.4)**	**234 808.5**	**63 878.5**	**298 687.0**

(2) *Extrabudgetary*

	2000-2001 expenditure	*2002-2003 estimate*	*2004-2005 estimate*
Activities	11 200.9	12 555.1	7 252.2
Total	**11 200.9**	**12 555.1**	**7 252.2**
Total (1) and (2)	**196 669.9**	**248 356.1**	**305 939.2**

Table 3
Post requirements

	Assessed budget		*Extrabudgetary*		*Total*	
Category	*2002-2003*	*2004-2005*	*2002-2003*	*2004-2005*	*2002-2003*	*2004-2005*
Professional and above						
USG	1	1	-	-	1	1
ASG	1	1	-	-	1	1
D-2	1	1	-	-	1	1
D-1	4	4	-	-	4	4
P-5	34	35[a]	-	-	34	35
P-4	116	121[b]	-	-	116	121
P-3	205	186[c]	1	1	206	187
P-2/1	146	128[d]	1	1	147	129
Subtotal	**508**	**477**	**2**	**2**	**510**	**479**
General Service						
Principal level	12	12	-	-	12	12
Other level	383	374[d]	16	16	399	390
Security Service	155	155	-	-	155	155
Subtotal	**550**	**541**	**16**	**16**	**566**	**557**
Total	**1 058**	**1 018**	**18**	**18**	**1 076**	**1 036**

[a] Includes the reclassification of one P-4 post to the P-5 level in the Office of the President.

[b] The net increase relates to the reclassification of four P-3 posts to the P-4 level in the trial sections, conversion of two P-4 posts from temporary assistance resources for oversight services and reclassification of one P-4 post to the P-5 level in the Office of the President.

[c] The net reduction reflects the abolition of 16 P-3 posts, effective July 2005, reclassification of 4 P-3 posts to the P-4 level in the trial sections and the conversion of 1 P-3 post from temporary assistance resources for oversight services.

[d] The reduction reflects the abolition of 18 P-2 posts, effective July 2005, and 9 General Service (Other level) posts, effective January 2005.

II. Programme of work and resource requirements

A. Chambers

21. The Chambers comprises primarily the 25 judges of the Tribunal. It is the judicial organ of the Tribunal performing its core activity: the determination of the guilt or innocence of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Through its judicial activities, the Chambers will continue to ensure that all accused persons are provided a fair trial without undue delay.

22. The Chambers' main objective for the biennium 2004-2005 will be to continue to undertake six trials concurrently through the use of the 16 permanent and 9 ad litem judges and to complete all interlocutory appeals, along with the conduct of all appeals from judgement, as expeditiously as possible. It will also strive to meet the judicial obligations arising from its completion strategy, as set out in the statement by the President of the Security Council of 23 July 2002 (S/PRST/2002/21), including the completion of all trials by 2008 and all appeals by 2010.

23. By the end of the biennium 2004-2005, it is expected that the Chambers will have completed, during the biennium, the following: 12 trials, 12 pre-trial procedures, 6 pre-appeal procedures, 8 appeals from final trial chamber judgements and all interlocutory appeals arising from the above. To allow for this unprecedented level of courtroom activity, the Chambers has maximized the use of available resources through the operation of its three courtrooms during two shifts per day, thus extending beyond the normal working hours.

24. The Chambers will, through its Judicial Practices Working Group, Rules Committee and plenary sessions, investigate additional ways to reduce the length of proceedings, for example, by continued review of the Rules of Procedure and Evidence, and strengthening the management and staffing of the legal support in Chambers. Special emphasis will be placed on the pre-trial phase of the proceedings, as this can have a significant impact upon the trial proceedings. The numerous reforms undertaken over the previous two years, including the conduct of pre-trial procedures by Chambers' senior legal officers, the additional powers conferred on judges to control proceedings and the adoption of practice directions, will continue to improve the pace of judicial activity.

25. Finally, the Chambers is expected to benefit from the implementation of a number of internal measures aimed at reducing the length of trials, namely: (a) the introduction of the Judicial Database, which will be fully operational by the end of 2003; (b) the introduction of several Office of the Prosecutor automated systems, which will have a time-saving impact on the Chambers' work as well; and (c) the establishment of a Document Control Unit.

26. The Office of the President provides advice and assistance, as well as logistical and secretarial support, to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority of the Tribunal, acting as its institutional head, and is responsible for the overall execution of the mission of the Tribunal. The President is also responsible for representing the Tribunal before the General Assembly and the Security Council and performs representational functions vis-à-vis heads of missions.

27. For the biennium 2004-2005, of primary importance for the Office of the President will be carrying forward the completion strategy initiated by the Tribunal and endorsed by the Security Council in the statement of its President dated 23 July 2002. That policy is aimed at facilitating the referral of cases to competent national jurisdictions in order to allow the Tribunal achieve its current objective of completing all first instance trial activities in 2008. Coordination must be maintained with States and international organizations contributing, as appropriate, to the strengthening of national judicial systems of the States of the former Yugoslavia, in order to facilitate the implementation of this policy.

Outputs

28. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pre-trial conferences, trials, pre-appeal conferences, appeals, reviews and delivery of judgements;

(b) Decisions relating to inter alia: review and confirmation of indictments, arrest and other warrants, various pre-trial motions, motions during trial and appeal, applications for additional evidence, interlocutory appeals and reviews;

(c) Judgements in relation to trials and appeals (appeals activities are for both the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda);

(d) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention; proposal of amendments to the statute of the Tribunal to the Security Council;

(e) Reports of the President to the Security Council, as requested by a Trial Chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(f) Annual report to the General Assembly and the Security Council; requests for international assistance to States;

(g) Press releases on matters of importance to the Tribunal as a whole;

(h) Special events: hosting of visiting dignitaries, usually at the ambassador or foreign minister level, and heads of State; establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal; and swearing in of new judges;

(i) Non-governmental organizations: requesting of non-governmental organizations and others to submit amicus curiae briefs on issues of general importance under consideration by the Chambers;

(j) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities;

(k) Liaison with the Office of the High Representative and the State Prosecutor of Bosnia and Herzegovina in relation to the referral of cases.

Table 4
Resource requirements

Category	Resources (thousands of United States dollars)		Posts	
	2002-2003	2004-2005 (before recosting)	2002-2003	2004-2005
Assessed budget				
Non-post	8 776.2	9 000.4	-	-
Total	**8 776.2**	**9 000.4**	-	-

29. Non-post resources in the amount of $9,000,400, reflecting an increase of $224,200, will provide compensation for the 23 judges, hiring of consultants and travel resources for the judges. The increase is mainly due to the anticipated additional rotation of permanent and ad litem judges during the biennium, resulting in increased requirements for common costs. The cost of the remaining two judges is included in the budget for the International Criminal Tribunal for Rwanda.

B. Office of the Prosecutor

30. The Office of the Prosecutor has the dual mandate of investigating and prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The objectives of the Office are to undertake investigations into alleged criminal activities of those persons most responsible for atrocities that occurred during the years of the conflict in the former Yugoslavia and to prosecute those persons before the Chambers of the Tribunal. In both mandates, the Office is committed to the highest standards of professionalism and impartiality.

31. During the biennium 2002-2003, the involvement of the Office of the Prosecutor in trial, pre-trial and appellate work has continued unabated due to the use of ad litem judges. Throughout most of the biennium, there have been six trials ongoing before the trial chambers on a daily basis.

32. During the biennium until March 2003, the Prosecutor has been engaged in prosecuting seven trials (Bosanski Samac; Brdanin/Talić; Tuta/Štela; Galić; Vasiljević; Stakić; and Milošević) involving 12 accused. One of the accused entered a plea of guilty during the course of trial (Milan Simic (Bosanski Samac case)). In addition, Mrs. Biljiana Plavsic entered a plea of guilty to reduced charges and was sentenced in February 2003. For the remainder of 2003, it is anticipated that a minimum of 3 additional trials will commence (Krajisnik; Nikolic; Obrenovic & Ors) involving 6 accused. Pre-trial activity will continue in at least 16 cases (Ademi; Hadzihasanovic & Ors; Halilovic; Strugar & Jokic; Banovic & Ors; Ljubicic; Ojdanic & Sainovic; Mrksic; Martic; Cesic; Mrdja; Deronjic; Stankovic; Limaj & Ors; Seselj; Oric) involving 25 accused. Finally, the Office was involved in 8 post-judgement appeals (Čelebići; Blaskic; Kordic/Cerkez; Kunarac; Kvocka & Ors; Krnojelic; Krstic; and Vasiljevic), involving 17 accused.

33. The Prosecutor undertook a review of all investigations in October 2002, with a view to bringing them to the indictment stage by the end of 2004. Following the

review, it was determined that there would be two lists of priorities. The "A" list would reflect the most serious crimes and the highest level perpetrators and the "B" list, comprised of lower-level suspects, would be addressed only if there was time and sufficient resources to carry out the work. As at April 2003, the "A" list contained 14 investigations, involving 37 suspects. It is intended that the remaining investigations will be brought to the indictment stage by the end of 2004. Between January 2002 and April 2003, the Prosecutor submitted eight indictments for confirmation by the Chambers.

34. The completion strategy will entail tasks not previously foreseen. In their statements to the General Assembly and the Security Council, the President and the Prosecutor have indicated that some cases will be turned over to Bosnia and Herzegovina under rule 11 bis (post indictment). It is now contemplated that other cases which were investigated but which have not been brought to the indictment stage, will also be handed over to authorities in Bosnia and Herzegovina. The preparation of both types of cases will entail significant work for the Office.

35. The referral of cases under rule 11 bis and the transfer of "unfinished" cases (pre-indictment) to either the War Crimes Division of the newly established State Court in Bosnia and Herzegovina or to local prosecution services in Bosnia and Herzegovina is a continuing topic of discussion, as the referrals are dependent on a well-functioning and independent judiciary. In both instances, work on the part of investigators, analysts, lawyers and support staff necessary to prepare such materials will be significant. In order to meet this challenge, the Office proposes to change the orientation and functions of the Assessment Team and to provide it with the necessary resources to carry out these transitional tasks through redeployment of posts. The Assessment Team will be renamed the Transition Team and will become the focal point within the Office for the practical implementation of that part of the completion strategy.

36. For the biennium 2004-2005, the Office of the Prosecutor will embark on meeting the proposed deadline of 2004 for the completion of investigations up to the indictment stage and thereafter concentrate on the preparation and prosecution of trials and appeals. Consequently, the Investigations Division will be reorganized in 2005 with the redeployment of 18 posts to other priority areas and the abolition of 43 posts, for an overall reduction of 61 posts within the Division. The Financial Tracing Unit and the Forensics Unit will become redundant and the field offices in Skopje and Pristina will be closed by the end of 2004.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To investigate and prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to implementation of the completion strategy and to position the Office for the transfer of criminal cases against accused persons to the national courts of Bosnia and Herzegovina.

Expected accomplishments	*Indicators of achievement*
(a) Effective management and implementation of the completion strategy	(a) Number of indictments completed within the stipulated time frame *Performance measures*: 2002-2003 estimate: 14 2004-2005 target: 12
(b) Gradual transfer of cases to national courts	(b) Number of cases transferred to national courts *Performance measures*: 2002-2003 estimate: 0 2004-2005 target: 24
(c) Conducting six trials concurrently	(c) (i) Number of ongoing trials *Performance measures*: 2002-2003 estimate: 6 concurrently 2004-2005 target: 6 concurrently (ii) Number of trials completed *Performance measures*: 2002-2003 estimate: 12 2004-2005 target: 12
(d) Enhanced readiness of cases at pre-trial litigation	(d) (i) Number of cases in pre-trial litigation *Performance measures*: 2002-2003 estimate: 18 2004-2005 target: 20 (ii) Percentage of deadlines met without extensions *Performance measures*: 2002-2003 estimate: 85 per cent 2004-2005 target: 100 per cent
(e) Completion of all ongoing investigations by 31 December 2004	(e) Number of pending investigations *Performance measures*: 2002-2003 estimate: 17 2004 target: 0

External factors

37. The cooperation of the States of the former Yugoslavia in the arrest and transfer of indicted persons to The Hague and in the provision of information; the functioning of an independent judiciary in Bosnia and Herzegovina for the referral of cases; and delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

38. During the biennium, the following outputs will be delivered:

(a) Investigative outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules, protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, arrests of fugitives, intelligence related to suspects and fugitives and on missions; evidence collection; reports generated through computer searches of evidence collection for documents relevant to investigations, trials and appeals and reports generated by computer searches for purposes of disclosure under different rules; demographic reports and maps; requests for assistance; witness binders; briefs of evidence for submission of indictments; unofficial translations and English summaries of documents written in Bosnian/Croatian/Serbian; indictment reviews; limited project-based exhumation work; and training;

(b) Prosecution outputs: filings related to the prosecution of cases and appeals including: indictments, amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements, miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(c) Outputs related to trial preparation: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence; training courses including induction, legal issues, advocacy; and legal opinions on issues of international law;

(d) Information management outputs: indices of evidentiary material and information sources, including witness statements, video and audio tapes, intelligence material submitted under rule 70, press and other relevant freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modifications to computer systems, database applications for the Office of the Prosecutor, including electronic disclosure, CaseMap and Sanction software packages; and training courses for all staff;

(e) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; press releases, speeches, statements and briefings.

Table 6
Resource requirements

Category	Resources (thousands of United States dollars)		Posts	
	2002-2003	2004-2005 (before recosting)	2002-2003	2004-2005
Assessed budget				
Post	51 476.9	51 049.0	420	364
Non-post	18 284.9	16 052.6	-	-
Staff assessment	12 128.9	12 032.9	-	-
Total	**81 890.7**	**79 134.5**	**420**	**364**
Extrabudgetary	6 818.8	1 684.5	-	-

39. Resources under posts and staff assessment in the amount of $51,049,000 and $12,032,900, respectively, would provide for the continuation of 364 posts. The net reduction of $427,900 and $96,000 for posts and staff assessment, respectively, reflects the abolition of 43 posts and the outward redeployment from the Investigations Division of 13 posts to the Registry, partially offset by the provision for the delayed impact of 33 posts approved for the biennium 2002-2003.

40. Provision for non-post objects of expenditure in the amount of $16,052,600 would provide for general temporary assistance (pre-trial support, document indexing and research and analysis), overtime, mission subsistence allowance for staff posted to the field offices, expert witnesses and consultants to assist investigators in the pre-trial stage of investigations, travel of investigators and prosecutors and contractual services for ongoing training of the staff in the Office of the Prosecutor. The decrease of $2,232,300 reflects the reduced requirements, mainly for mission subsistence allowance and travel, as a result of bringing all investigations to completion by the end of 2004.

C. Registry

41. The Registry is responsible for the judicial administration of the Tribunal. It is composed of five organizational units: the Judicial Support Division, the Public Information Section, the Registry Advisory Section, the Division of Administration and the Office of Internal Oversight Services. For budgetary purposes, resources for the Office of the President continue to be included under the Registry.

42. For the biennium 2004-2005, the Registry's focus will be on providing administrative and logistical support to the Chambers and the Office of the Prosecutor in the implementation of the completion strategy, the two main objectives of which are: (a) the expeditious and fair trials of top-level accused and (b) the transfer of mid and lower-level cases to the State Court of Bosnia and Herzegovina.

43. With regard to the first objective, the Registry will continue to support and facilitate the simultaneous conduct of six trials and appeals. The capacity of the Registry will continue to be fully utilized with all work units dedicated to the principal goal of trial activity. In addition, the Registry will undertake a number of

concrete internal measures aimed at reducing the length of trials, such as: (a) the strengthening of the Chambers Legal Support Section, (b) the introduction of the Judicial Database and (c) the establishment of a Document Control Unit.

44. In support of the second objective, the Registrar will continue to play an active role in facilitating the referral of cases to national courts, including continuing contacts and consultations with the Office of the High Representative and support to the Office of the President and the Office of the Prosecutor. Furthermore, the Registry's presence in the field will be strengthened through the establishment of two liaison officer posts in Belgrade and Sarajevo.

45. The provision of services will be expected beyond normal working hours, particularly those directly supporting the court proceedings. Programme managers will be expected to maximize the effectiveness and efficiency of their respective services, sustain even greater flexibility and apply prioritization and proactive strategies in order to reach these objectives.

Table 7
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to the Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations Regulations and Rules and the Tribunal's completion strategy.

Expected accomplishments	*Indicators of achievement*
(a) Timely implementation of formal actions taken in accordance with the agreed upon completion strategy	(a) Percentage of actions completed on time *Performance measures*: 2002-2003 estimate: 95 per cent 2004-2005 target: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) Number of visitors to the Tribunal's web site *Performance measures*: 2000-2001: 3,800,000 hits 2002-2003 estimate: 19,000,000 hits 2004-2005 target: 27,500,000 hits
(c) Improved dissemination of information in the Bosnian, Croatian and Serb languages (Note: Bosnian, Croatian and Serb is used by the Tribunal as one court language for the proceedings)	(c) Reduction in the number of days between receipt and distribution of material *Performance measures*: 2000-2001: 21 days 2002-2003 estimate: 7 to 14 days 2004-2005 target: 1 to 3 days

(d) Clients' needs for sound, comprehensive and timely advice on legal and related policy matters met	(d) (i) International agreements negotiated and contracts advised upon *Performance measures*: 2000-2001: 82 2002-2003 estimate: 105 2004-2005 target: 105 (ii) Administrative, host country statute and Rules matters advised upon *Performance measures*: 2000-2001: 71 2002-2003 estimate: 79 2004-2005 target: 120
(e) Effective legal support to judges provided	(e) Number of timely oral and written decisions and judgements *Performance measures*: 2000-2001: 3,545 2002-2003 estimate: 3,800 2004-2005 target: 4,150
(f) Successful compliance with the Tribunal's legal aid system	(f) Reduction in number of cases where supplemental payment is required in order to ensure fair trial *Performance measures*: 2000-2001: 14 cases 2002-2003 estimate: 8 cases 2004-2005 target: 2 cases
(g) Improvement in the judicial support services provided to the Chambers, the Office of the Prosecutor and the defence counsel	(g) Increase in level of client satisfaction *Performance measures*: 2000-2001: Not available 2002-2003 estimate: 60 per cent 2004-2005 target: 85 per cent
(h) Increased effectiveness of administrative services	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures*: 2002-2003 estimate: to be determined 2004-2005 estimate: 95 per cent

Outputs

46. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague; liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pre-trial and post-trial protection; provision of support services for temporary and permanent relocation of witnesses; liaison with host Governments for protection, safe accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the reimbursement of lost earnings;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; revision of claims of indigence from suspects and accused persons; and implementation of the directive on assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures related to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, addressing of cases of failure to execute a warrant, the appearance of the accused, detention on remand and provisional release and procedures to obtain depositions; organization and scheduling of trials and other hearings, contempt of court cases and procedures relating to amici curiae, summons of witnesses and experts, record-keeping and procedures for the restitution of property in connection with compensation to victims; and procedures relating to appellate, review proceedings, pardons and commutation of sentences;

(d) Registry Advisory Section: negotiation of international agreements on the enforcement of sentences and relocation of witnesses; liaison with the host country on privileges and immunities of judges and staff; drafting of policy papers, directives and guidelines related to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; implementation of the Tribunal's rules of detention and remand programme with regard to personal and official visits, the scheduling of exercise periods and provision of meals, scrutinization of incoming and outgoing phone calls and mail, as appropriate; scheduling of duties of detention guards provided by the host Government; and cooperation with the host authorities to ensure that the detention facilities of the Tribunal are provided in accordance with existing agreements and with non-governmental organizations monitoring such facilities;

(f) Publications: publication of the annual *Yearbook* of the Tribunal, the basic documents of the Tribunal and transcripts of trials and decisions;

(g) Electronic, audio and video issuances: production and broadcast (in electronic format) of trial exhibits within the courts; broadcasting of time-delayed video of Tribunal proceedings to public areas of the Tribunal and real-time audio of Tribunal proceedings to the public gallery of the courtroom in English, French and Bosnian/Croatian/Serbian;

(h) Booklets, pamphlets and fact sheets: publication of the monthly bulletin of Tribunal activities;

(i) Press releases: issuance of press releases to the local, national and international press regarding trial activities;

(j) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel; provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(k) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French and Bosnian/Croatian/Serbian, and during interviews of victims and witnesses; translation from and into English, French and Bosnian/Croatian/Serbian for the Registry, the courts and the Office of the Prosecutor; transcripts of court proceedings in English and French for every hearing in the courtroom and the judges' plenary meetings;

(l) Administrative support: processing of financial documents; preparation of the proposed programme budget for the biennium 2006-2007 and annual performance reports for the biennium 2004-2005; exercising of budgetary control and post management in respect of assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; making of travel arrangements and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchasing and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff, visitors and detainees.

Table 8
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 (before recosting)*	*2002-2003*	*2004-2005*
Assessed budget				
Post	64 306.0	68 399.9	638	654
Non-post	93 111.0	90 491.6	-	-
Staff assessment	14 569.8	15 256.7	-	-
Total	**171 986.8**	**174 148.2**	**638**	**654**
Extrabudgetary	5 736.3	5 567.7	18	18

47. The resource requirements of $174,148,200 provide for the continuation of 654 posts and various non-post requirements. The increase under posts ($4,093,900) and staff assessment ($686,900) reflects the inward redeployment of 13 posts from the Investigations Division, provision for the delayed impact of 57 posts approved for the biennium 2002-2003 and the conversion of three posts under oversight services to temporary posts, which were funded from temporary assistance resources. The decrease in non-post requirements ($2,619,400) is due to reduced requirements, mainly under mission subsistence allowance payable to security staff in the field, travel of staff, supplies and furniture and equipment.

Table 9
Summary of follow-up action taken to implement relevant recommendations of the oversight bodies and the Advisory Committee on Administrative and Budgetary Questions

Brief description of the recommendation	*Action taken to implement the recommendation*
Advisory Committee on Administrative and Budgetary Questions (A/56/665)	
The Committee reiterated its view that the Tribunal should fill the vacant posts as rapidly as possible (para. 19).	**Implemented**. The Tribunal is continuing its efforts to fill posts as expeditiously as possible. These efforts are reflected in the Tribunal's current low vacancy rate.
With regard to extrajudicial activities of judges that affected proceedings (i. e., travel to seminars, public relations activities, etc.), on the basis of testimony by representatives of the Secretary-General and of the Tribunal, the Advisory Committee reiterated its view that the judicial activities at The Hague should have priority over public relations activities and attendance at external meetings. The Committee requested that information on those activities of the judges be included in the next financial and programme performance report (para. 23).	The President of the Tribunal has enacted a policy whereby any extrajudicial travel must be reported in advance, with a view to avoiding any disruption to the trial schedule. While attendance at seminars and conferences related to the role of the Tribunal plays an important advocacy role, judicial activities in The Hague have absolute priority. Attendance at external meetings is kept to a minimum and takes place only when it has been ascertained that there would be no negative impact on trial activity. The Tribunal will submit the required performance report as requested.
(A/57/439)	
The Committee recommended that the two Tribunals exchange experience and lessons learned from the procedures they had established to manage and control the legal aid system (para. 22).	**Implemented**. There is regular exchange of information and expertise between the Tribunals on this and a number of other issues of mutual concern.
The Committee recommended that, if it was considered useful, the two Tribunals have recourse to outside expertise, with a view to setting appropriate simple and practical criteria and guidelines on the matter (para. 23).	The Tribunal has increased the regime of verification and investigation of the financial means of all accused requesting full or partial legal aid.
(A/57/593)	
Information should be provided on productivity, including savings, if any, from the implementation of control and monitoring measures that have been introduced recently to improve the management of the legal aid programme of the Tribunal (para. 28).	The Tribunal will be submitting the report on the reform of the legal aid system to the General Assembly at its fifty-eighth session.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Committee requested that, in the future, information be also provided on the number of interns and their use along the lines set out in paragraph 3 (h) of annex II (para. 30).	The Tribunal will ensure that the information on interns is included in the requested format.
The Committee requested that the Secretary-General provide detailed information on the potential financial obligations of the United Nations for the enforcement of sentences with regard to transferred cases, in the context of the next estimates for the Tribunal (para. 36).	The judicial processes before the Tribunal and national courts are separate. While the Tribunal may refer a case to a local court, upon referral the case enters into the sphere of responsibility of the local court. Consequently, it would be the local court that would, in the framework of enforcement of sentences of the respective State, be charged with committing a convicted person to a prison in that State. Such responsibilities and arrangements would not have any potential financial obligations for the Tribunal.
Recommendations of the Board of Auditors (A/57/5/Add.12)	
Improve the monitoring of commitments and consider an alternative solution to Tribunal directive 1/94, articles 23 to 25, with a view to replacing the present hourly rate system for counsel with a lump-sum or flat-rate approach for legal aid payments (para. 23).	Effective 1 January 2001, fixed ceilings were imposed on defence fees for pre-trial and appeals. At the same time, cases were grouped into three difficulty levels with allotments according to each level. At their July 2002 plenary meeting, the judges adopted the proposal put forward by the Registry to extend the payment system with fixed ceilings from the pre-trial and appeals phases also to the trial phase.
Comply with the financial rules relating to the proper custody of non-expendable equipment and carry out regular physical checks on its assets, if need be, in conjunction with other United Nations field teams (para. 25).	**Implemented**. A full physical inventory of the Tribunal and its field locations has been undertaken. Furthermore, a regular schedule for future inventories has been established.
Seek the Security Council's endorsement of the completion strategy, with a view to promptly implementing it (para. 32).	**Implemented**. The Tribunal presented its completion strategy to the Security Council, which endorsed the strategy in broad terms, in the statement of the President of the Council of 23 July 2002 (S/PRST/2002/21).

Brief description of the recommendation	*Action taken to implement the recommendation*
Formulate working definitions of such terms as "indigence" and "sufficient means"; establish clear and quantitative criteria to determine whether a suspect or accused person qualifies or partly qualifies for legal aid, including the determination of a financial threshold; and develop a formula to determine the contributions to be made by the persons who qualify for partial legal aid (para. 54).	**Implemented**. The standard of indigence has been reviewed and been a subject of discussion at the judges' plenary in July 2002. The Registry has developed a financial formula, taking into account the income and assets of the accused, their expenses for dependants and the costs and duration of their requirement for legal representation, for calculating their eventual contribution to their own defence.
Designate at random the counsel to be paid by the Tribunal from a list of available lawyers established by the Registrar's office (para. 62).	**Under way**. While this would mark a sharp change in practice, the Registry of the Tribunal supports such an approach and finds it in accordance with international legal guarantees for criminal defendants. The Registry intends to submit a proposal to the judges for a respective amendment of the Rules of Procedure and Evidence in the second half of 2003. Furthermore, in view of the establishment of the Association of Defence Counsel Practising before the Tribunal (officially recognized by the Registrar in October 2002), defence counsel wishing to appear before the Tribunal shall become members of the Association under rule 44 as amended at the July 2002 plenary. The membership requirements of the Association are the same as those of the so-called "Registry Rule 45-list".
Clarify the criteria for the content of invoices and the evaluation of the reasonableness of the accounts of defence teams, and consider putting a per-trial ceiling on legal aid (para. 66).	The judges adopted at the July 2002 plenary meeting the proposal put forward by the Registry to further adjust the payment system for the trial phase and in general. The judges have approved a system whereby the Registrar will assess the amount of fees available to the defence for trial after consulting the respective chamber, at the beginning of a phase, pre-trial, trial or appeal. Hence, also during the trial phase, a lump-sum system will apply for all work of counsel, whether hearing or preparation.

Brief description of the recommendation	*Action taken to implement the recommendation*
Complete, as a matter of urgency, the implementation of the code of professional conduct for defence lawyers and the rules for their enforcement, to be included in the Rules of Procedure and Evidence (para. 73 (a)).	**Implemented**. Having received the consent from a working group of judges and defence counsel to his draft, the Registrar has promulgated the amended Code subsequent to approval by the judges at the July 2002 plenary meeting. The explicit prohibition of fee splitting and the establishment of detailed disciplinary proceedings with the participation of the Registrar are two of the main novelties of this legal text.
Render illegal and effectively prohibit overbilling and frivolous practices by counsel, fee-splitting and gift-giving between counsel and their clients or any other person directly or indirectly related to the accused, as well as the recruitment of relatives by counsel (para. 73 (b)).	**Implemented**. The explicit prohibition of fee splitting forms part of the new Code of Conduct, which also relates to the exchange of gifts. The prohibition of recruitment of relatives or friends of accused, and limitations for recruiting relatives or friends of counsel into a defence team is regulated by new article 28 of the Directive on Assignment of Defence Counsel, as amended in July 2002.
Create a bar acting in accordance with international best practices on legal ethics, with disciplinary power in case of violation of the code of professional conduct and adequate safeguards to enable the Tribunal to be a party to disciplinary proceedings and to enforce sanctions without undue delay (para. 73 (c)).	**Implemented**. The Association of Defence Counsel was founded by defence attorneys under Dutch law, and recognized by the Tribunal in October 2002.
Include in the Tribunal's staff regulations and rules a prohibition on the recruitment of staff members, directly or indirectly, by defendants for a given number of years after separation from Tribunal service, and add a similar prohibition in rule 44 of the Rules of Procedure and Evidence on counsel qualifications (para. 82).	**Implemented**. Such a provision is included in the Code of Conduct of the Tribunal that sets out the conditions under which a counsel can assist a defendant in the light of conflict of interest issues.
Review with United Nations Headquarters the rules applying to United Nations officials drawing simultaneously United Nations salaries for active duty and United Nations pensions, and take steps towards a prompt clarification to that effect (para. 88).	**Implemented**. The Secretary-General's report (A/C.5/56/14) was submitted to the Advisory Committee. The matter was considered by the Committee (A/56/7/Add.2) and was addressed by the General Assembly, in its resolution 56/285.

Table 10
Definitions

An *objective* in programme budgeting refers to an overall desired achievement involving a process of change and aimed at meeting certain needs of identified end-users within a given period of time.

An *expected accomplishment* is a desired outcome involving benefits to end-users, expressed as a quantitative or qualitative standard, value or rate. Accomplishments are the direct consequence or effect of the generation of outputs and lead to the fulfilment of a certain objective.

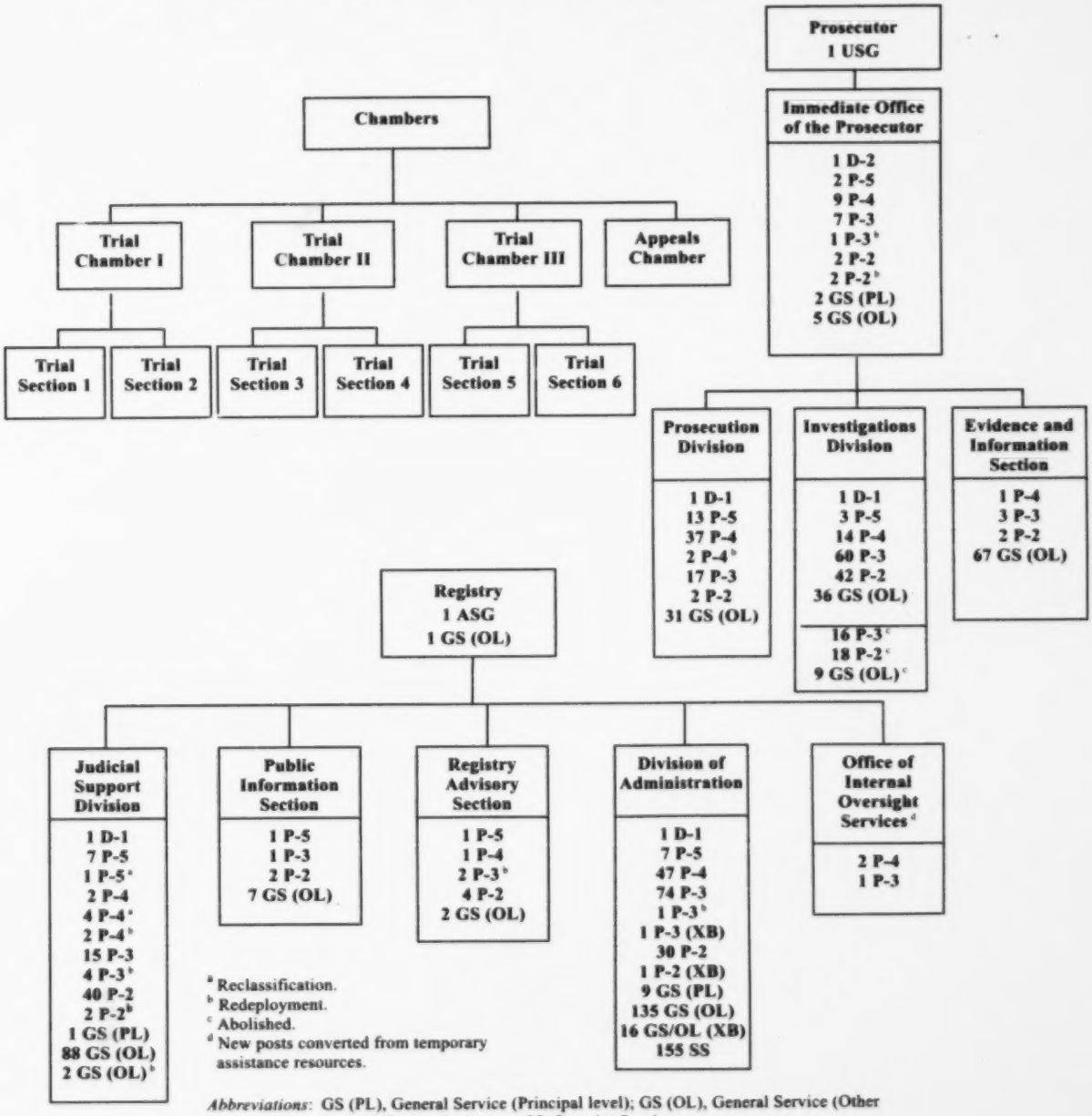
Indicators of achievement are used to measure whether and/or the extent to which the objectives and/or expected accomplishments have been achieved. Indicators correspond either directly or indirectly to the objective or the expected accomplishment for which they are used to measure performance.

External factors are events and/or conditions that are beyond the control of those responsible for an activity but that have an influence on the success or failure of the activity. They may be anticipated in the form of assumptions or they may be unanticipated.

Outputs are final products or services delivered by a programme or subprogramme to end-users, such as reports, publications, training, servicing of meetings, or advisory, editorial, translation or security services, which an activity is expected to produce in order to achieve its objectives.

Source: ST/SGB/2000/8, annex.

International Criminal Tribunal for the Former Yugoslavia
Organizational structure and post distribution



[a] Reclassification.
[b] Redeployment.
[c] Abolished.
[d] New posts converted from temporary assistance resources.

Abbreviations: GS (PL), General Service (Principal level); GS (OL), General Service (Other level); XB, extrabudgetary; SS, Security Service.